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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,375	09/23/2003	Dae Jin Lim	3449-0273P	9203

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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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02/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/667,375	Applicant(s) LIM ET AL.	
	Examiner Jean W. Désir	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/15/08 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8,9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 8, 9, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 6,766,528).

The applied reference has a common Assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1:

Kim discloses:

"displaying an audio video (AV) broadcast signal and a first data broadcast signal based on an Open Cable based broadcasting standard ~~a first broadcasting standard~~", see Fig. 2 items 103-107, col. 1 lines 7-9, col. 2 lines 4-7, lines 51-53;

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"tuning to a second data broadcast signal based on an ATSC (Advanced Television Systems Committee) based broadcasting standard ~~a second broadcasting standard~~ different than the ~~first broadcasting standard~~ Open Cable based broadcasting standard in response to a request for a modification of the first data broadcast signal being displayed", see Fig. 2 items 204, 201, col. 6 lines 13-16, col. 3 line 67 to col. 4 line 5;

"and displaying the tuned second data broadcast signal based on the ~~second broadcasting standard~~ ATSC based broadcasting standard", see col. 6 lines 26-28, col. 4 lines 4-5;

"wherein when the A/V broadcast signal is a first A/V broadcast signal including the first data broadcast signal, the first A/V broadcast signal is received and tuned through a first tuner", see Fig. 2 items 103, 104;

"wherein when the A/V broadcast signal is a second A/V broadcast signal including the second data broadcast signal, the second A/V broadcast signal is received and tuned through a second tuner", see Fig. 2 item 204, col. 6 lines 13-22;

"wherein when the first A/V broadcast signal is received and tuned through the first tuner, a first transport packet processor (see Fig. 2 items 105, 202, 201) connected to an output of the first tuner extracts the first data broadcast signal from the first A/V broadcast signal, and when the second A/V broadcast signal is received and tuned through the second tuner, a second transport packet processor (see Fig. 2 items 203, 202, 201) connected to an output of the second tuner extracts the second data broadcast signal from the second A/V broadcast signal";

"and wherein a data processor connected to the first and second transport packet processors processes the corresponding first and second data broadcast signals, and an A/V processor connected to the first and second transport packet processors processes the corresponding first and second A/V broadcast signals such that any one of the first and second data broadcast signals can be displayed together with any one of the first and second A/V broadcast signals", see col. 5 lines 15-56, col. 6 lines 23-55.

Claim 4 is also disclosed, Kim teaches simultaneously displayed as claimed, see Kim at col. 4 lines 4-5, col. 6 lines 26-28.

Claim 5 is rejected for the same reasons as claim 1.

Claim 8 is rejected for the same reasons as claim 4.

Claim 9 is rejected for the same reasons as claim 1.

Claim 13 is disclosed, see col. 3 line 67 to col. 4 line 5, col. 5 line 57 to col. 6 line 28.

Claim 14 is rejected for the same reasons as claim 4.

Claim 15 is rejected for the same reasons as claim 1.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive.

The Applicants argue on page 8 of the REMARKS "However, unlike the second tuner of the application that receives a broadcast signal based on the ATSC based broadcasting standard, the modem 204 cannot receive and tune to any A/V broadcast signal. Col. 6 lines 13-22 of Kim et al. describe that the controller 201 controls the modem 204 and connects to the Internet, but does not teach or suggest that the modem 204 can receive and tune to an A/V broadcast signal". These arguments are not

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persuasive, col. 6 lines 10-22 of Kim clearly teaches that the controller 201 controls the modem 204 and connects to the Internet or other network (see specifically col. 6 lines 13-16, and see also col. 7 lines 14-16), this other network has been interpreted as included other broadcasting standard network such as the ATSC based broadcasting standard as claimed. Thus, contrary to the Applicants' arguments, Kim clearly teaches that the modem 204 can receive and tune to an A/V broadcast signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Jan. 28, 08



DAVID OMETZ
SUPERVISORY PATENT EXAMINER